

**MINUTES OF CITY COUNCIL REGULAR MEETING  
CITY OF SAN MARCOS  
FEBRUARY 21, 2012**

STATE OF TEXAS           §  
                                     §  
COUNTY OF HAYS       §

**1. Present:**

Mayor Daniel Guerrero

**Council:**

Shane Scott  
Jude Prather  
John Thomaides  
Kim Porterfield  
Ryan Thomason   \*Arrived at 4:42PM  
Wayne Becak

**City Staff:**

James Nuse, City Manager  
Laurie Moyer, Assistant City Manager  
Michael Cosentino, City Attorney  
Jamie Lee Pettijohn, City Clerk  
Tammy Cook, Deputy City Clerk

**2. Call to Order and Announce a Quorum is Present**

With a quorum present, the regular meeting of the San Marcos City Council was called to order by Mayor Daniel Guerrero at 4:37 p.m. on Tuesday, February 21, 2012 in the Council Chambers of the City of San Marcos City Hall, 630 East Hopkins, San Marcos, Texas 78666.

**3. Receive Staff presentation and Council discussion regarding the Strategic Initiative of Sound Finances.**

Jim Nuse, City Manager and Steve Parker, Finance Director, provided an overview presentation regarding the Sound Finances initiative. Following discussion, Council consensus was that they were satisfied with what we are doing and where we are going, and that they would like to leave Sound Finances on the list of strategic initiatives.

**4. Executive Session**

The San Marcos City Council adjourned into Executive Session at 5:27 p.m. in accordance with § 551.086 – Public Power Utility Competitive Matters, to deliberate regarding proposals received for Alternative Wholesale Power Supply; and in accordance with § 551.072 – Real Property, to deliberate regarding the purchase of Union Pacific Property, comprising of two parcels to include details on site sizes and purchase amounts.

**5. Consider adoption or direction to Staff on matters discussed in Executive Session.**

The San Marcos City Council reconvened into regular session at 6:12 p.m. on Tuesday, February 21, 2012.

**6. Discussion on the status of the San Marcos Railroad Quiet Zone, Phase I, and future plans for construction of the project improvements.**

**6.1 Provide direction to Staff following discussion on the status of the San Marcos Railroad Quiet Zone, Phase I, and future plans for construction of the project improvements.**

Linda Huff, Capital Improvements Director, provided the Council with an overview presentation on the status of the San Marcos Railroad Quiet Zone, Phase I. Following discussion, Council consensus to move forward with adding the cost of \$385,000 to the project to construct/install quad gates at Patton & Eisenhower, and for the City Manager to reach out to the property owner adjacent to this location.

**7. Invocation**

Pastor Bob Smith with Powerhouse Christian Church provided the invocation.

**8. Pledges of Allegiance – United States and Texas**

Shea Kirwin, a fifth grade student at Hernandez Elementary School led the assembly in the pledges of allegiance.

**9. 30 Minute Citizen Comment Period**

Jane Hughson, 1600 N. LBJ, excited about the Master Plan and that Citizens will be able to be involved.

Don Eyssen, 200 Orchard, started by apologizing to Matthew Lewis, Development Services Director, and continued by speaking against the Hillside Ranch project stating concerns about parking issues, as well as, support for a moratorium.

Ted Ingwersen, 124 W. Hillcrest, spoke about a colleague having a negative experience within the City when a development was built across the street from his home. He relocated because “the City did not protect him.” He spoke in favor of a moratorium and to stop letting neighborhoods be transition zones.

Jay Hiebert, 209 W. Sierra Circle, spoke in favor of development, but not for development for developments sake. He addressed the parking concerns that will be at The Retreat once it is completed. He also spoke in favor of a moratorium on multi-family development.

Dianne Wassenich, 11 Tanglewood, addressed an opinion petition that was turned into Staff and Council regarding the interest in seeing a moratorium on multi-family and development within single family neighborhoods. She provided a plotted map illustrating the location of the signatures on that petition.

Jaimy Breihan, 134 E. Hillcrest, spoke regarding the capacity of apartment complexes within the City and spoke in favor of seeing a moratorium put in place.

Mary E. Gonzales, 3301 S Old Bastrop Hwy, spoke regarding the quiet zone update and spoke specifically regarding her concern about the street closure that would result due to the quiet zone being put in place.

Rudy Rodriguez, 533 Hull St, spoke against the street closure in order to create the quiet zone within the Victory Gardens neighborhood.

Ruben Garza, 518 S. Guadalupe, spoke against the street closure in order to create the quiet zone within the Victory Gardens neighborhood and encouraged having future community meetings on the subject.

Vincent Debroke, 100 W. Hillcrest, spoke about the watershed and the potential of the development of better protections. He also spoke in favor of a moratorium.

Ken Johnson, 1350 N. LBJ, spoke in opposition of the possibility of a moratorium, and stated that he was looking forward to future development.

Ed Davis, 107 Chaparral Rd, thanked Council for all the open meetings. He wanted to Council to be aware of a woman from San Antonio that is peddling a grant offered by the Department of Commerce to aid in the development of Senior Housing.

Nancy Moore, 15 Tanglewood, spoke about San Marcos having the potential to be recognized as a World Heritage Site and would like to see the development of more parkland and preserves instead of multi-family development.

## **CONSENT AGENDA**

### **10. Consider approval of the February 7, 2012, Regular Meeting Minutes.**

### **11. Consider approval of Ordinance 2012-11, on the second of two readings, amending the Traffic Register maintained under Section 82.067 of the San Marcos City Code by amending the speed limit in both directions of the following streets in the Cottonwood Subdivision from 30 miles per hour to 25 miles per hour: Monterrey Oak, Goldenrod**

Drive, Wild Plum, Brazoria Trail, and Wisteria Way; and including procedural provisions.

12. Consider approval of Resolution 2012-13R approving the terms and conditions of a Tri-Party Interlocal Agreement between the City of San Marcos, Texas State University-San Marcos and the City of Kyle to authorize the creation of an Urban Transit District pursuant to Chapter 458 of the Texas Transportation Code authorizing the City Manager to execute this agreement on behalf of the City; and declaring an effective date.
13. Consider approval of Resolution 2012-14R approving the purchase of a 2012 Ford F750, seven yard dump truck for the Public Services Department, Water/Wastewater Distribution Division in the amount of \$75,385.00 from Grande Truck Center through the Texas Local Government Purchasing Cooperative Buyboard; authorizing the Purchasing Manager to execute the appropriate purchasing documents on behalf of the City and declaring an effective date.
14. Consider approval of Resolution 2012-15R awarding a construction contract to Harris Road Company, Inc, for the Gary Sports Complex Improvements – Phase 1 Project in the amount of \$2,220,618.90 contingent upon the proponent's timely submission of sufficient bonds and insurance in accordance with the City's request for proposal documents for the project; approving the purchase of bleachers, tables and site amenities from Gametime by Total Recreation Products, Inc, in the amount of \$54,138.94 through the Texas Local Government Purchasing Cooperative Buyboard (contract #370-11); approving the purchase of playground equipment and fall zone material from the Playwell Group in the amount of \$41,332.26 through the Texas Local Government Purchasing Cooperative Buyboard (contract #346-10); approving the procurement of installation services for the playground equipment from Playworks, Inc, in the amount of \$13,459.12 through the Texas Local Government Purchasing Cooperative Buyboard (contract #346-10); approving the purchase of sports lighting equipment from Musco Sports Lighting in the amount of \$249,000.00 through the Texas Local Government Purchasing Cooperative Buyboard (contract #346-10); approving the purchase of scoreboards with receivers/transmitters from Daktronics in the amount of \$18,853.00 through the Texas Local Government Purchasing Cooperative Buyboard (contract #336-10); authorizing the City Manager to execute the construction contract documents and authorizing the Purchasing Manager to execute the appropriate Buyboard documents on behalf of the City and declaring an effective date.
15. Consider approval of Resolution 2012-16R approving the extension of an annual contract with Gene Bagwell, DbA Maintenance Management for the management and operation of the San Marcos Cemetery; authorizing the Purchasing Manager to execute the appropriate documents related to this contract extension on behalf of the City and declaring an effective date.
16. Consider approval of Resolution 2012-17R approving the terms and conditions of an interlocal agreement with the Capital Area Council of Governments (CAPCOG) for the City's participation in funding for the purchase of air quality monitoring equipment in

**the amount of \$5,866.00; authorizing the City Manager to execute this agreement on behalf of the City; and declaring an effective date.**

**17. Consider approval of deductive Change Order #3 to Kiva, Inc. reducing the contract in the amount of \$51,972.78 for the Redwood Waterline Project.**

**MOTION:** Upon a motion made by Council Member Prather and a second by Council Member Scott, the City Council voted seven (7) for and none (0) opposed, to approve the consent agenda as presented with the exception of Item #12 which was pulled and considered separately. The motion carried unanimously.

**(12) MOTION:** Upon a motion made by Council Member Porterfield and a second by Council Member Thomason, the City Council voted six (6) for and one (1) opposed, Council Member Thomaides, to approve Resolution 2012-13R, as previously captioned. The motion carried.

**NON-CONSENT AGENDA**

**18. Consider approval of Ordinance 2012-12, on the first of two readings, amending provisions of Chapter 86, Utilities, Article 4 – Electricity, pertaining to the process for promulgating, revising, amending and supplementing the Rules, Regulations and Line Extension Policy; including procedural provisions; and providing an effective date.**

**MOTION:** Upon a motion made by Council Member Thomason and a second by Council Member Becak, the City Council voted six (6) for and none (0) opposed, Council Member Prather was absent, to approve Ordinance 2012-12, as previously captioned. The motion carried.

**19. Consider approval of Resolution 2012-18R approving a Federal Policy Program for communications with the Texas Congressional Delegation on issues of importance to the City of San Marcos; authorizing the City Manager to execute the necessary documents and declaring an effective date.**

**MOTION:** Upon a motion made by Council Member Thomason and a second by Council Member Thomaides, the City Council voted six (6) for and none (0) opposed, Council Member Prather was absent, to postpone Resolution 2012-18R, as previously captioned, until the March 6, 2012 Regular Meeting. The motion carried.

**20. Discussion and direction to Staff regarding watershed and environmental protection criteria.**

Brian Reese, a consultant from Espey Engineering, provided a brief presentation regarding current practice of stormwater and watershed protection.

**21. Discussion and direction to Staff regarding a petition requesting the opposition to zoning designation changes and moratorium on rezoning Apartment Complexes in Single-Family Neighborhoods until the Comprehensive Master Plan is completed.**

Matthew Lewis, Development Services Director, provided a presentation addressing the issue. Following Council discussion, to encourage and incentivize developers to redevelop current multi-family developments that are old, blighted or dilapidated.

**22. Discussion and direction to Staff regarding Contractor Licensing and Homeowner Project Permitting.**

Following discussion, Council consensus was for the homeowner to be able to serve as his or her own General Contractor and to maintain the exam requirement for General Contractors.

**23. Receive a Staff update on the status of the County buildings Downtown, Springtown, and Post Office; and hold discussion and provide direction regarding possible property acquisitions.**

Will Conley, County Commissioner, provided a brief update regarding the RFP process for the vacant County buildings downtown. Jim Nuse, City Manager, provided an update on Springtown and the Post Office. Council consensus to move forward with looking into purchasing the Justice Center site, to have Mr. Lewis come to a future meeting and speak about what is coming to Springtown, and for Jim Nuse to look into the asking price of the Post Office.

**24. Question and Answer Session with Press and Public. This is an opportunity for the Press and Public to ask questions related to items on this agenda.**

Corey Schwartz, 101 W. Mimosa Circle: What can be done and what will be done to protect the Sessom Creek & Sink Creek watersheds?

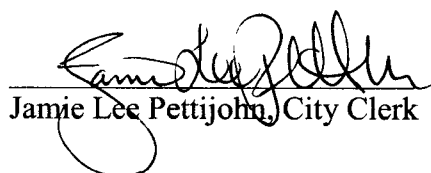
Matthew Lewis, Development Service, responded that several items in the LDC have been identified. He stated that Huff, Taggart and Lewis are looking into the process and those measures are being put in place and monitored by Staff. Staff is working together and beefing up those standards.

**25. Adjournment.**

**MOTION:** Upon a motion made by Council Member Scott and a second by Council Member Prather, the City Council voted seven (7) for and none (0) opposed, to adjourn the regular meeting of the San Marcos City Council at 10:19 p.m. on Tuesday, February 21, 2012. The motion carried unanimously.

  
Daniel Guerrero, Mayor

Attest:

  
Jamie Lee Pettijohn, City Clerk